

Serial No. 09/726,401

Docket No. HI-0028

Amendment Dated February 7, 2005

Reply to Office Action of December 7, 2004

REMARKS/ARGUMENTS

Claims 1-10, 13-15 and 17-26 are pending in this application. By this Amendment, claims 11, 12 and 16 are cancelled without prejudice or disclaimer. No new matter has been added.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

Applicants gratefully acknowledge the Office Action's indication that claims 1-26 define patentable subject matter. However, for at least the reasons set forth below, Applicants respectfully submit all pending claims are in condition for allowance.

The Office Action rejects claims 10-11 and 16 under 35 U.S.C. §101. The rejection is respectfully traversed.

Applicants respectfully submit that the rejection is moot as claims 11-12 and 16 are canceled without prejudice or disclaimer to expedite prosecution of this application. Withdrawal of the rejection of claims 11-12 and 16 under 35 U.S.C. §101 is respectfully requested.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carl R. Wesolowski, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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